IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

Bail Appl..No. 457 of 2007()

C.R.NO.10/07 OF KARUNAGAPPALLY EXCISE RANGE

: PETITIONER/ACCUSED

THULASEEDHARAN PILLAI,
S/O.SANKARAKURUP, PUTHENVEETTIL, KADATHOOR MURI,
KULASEKHARAPURAM VILLAGE, KARUNAGAPPALLY TALUK.

BY ADV. SRI.T.GOPALAKRISHNAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA REPRESENTED BY
THE INSPECTOR, EXCISE RANGE, KARUNAGAPPALLY,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 457 OF 2007 B

Dated this the 2nd day of February, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner, who is the accused in C.R. No.10/2007 of Karunagappally Excise Range for an offence punishable under Sec. 55(a) of the Abkari Act for allegedly having been found in possession of 7.5 liters of IMFL on 8.1.2007, seeks anticipatory bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. Eventhough the Public Prosecutor opposed the application, he confessed that the prosecution records do not allege that the IMFL found in the possession of the petitioner was meant for sale for which an offence punishable under section 55(a) or (i) is not made out in the light of the decision of this court reported in ***Sabu Vs. State of Kerala*** [2003 (2) KLT 1003]. I am, therefore, inclined to grant anticipatory bail to the petitioner. Accordingly, a direction is issued to the investigating officer concerned to release the petitioner on bail for a period of one month in the event of his arrest in connection with the above case on his executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two

solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

a. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

c. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

d. Petitioner shall not commit any offence while on bail.

e. Petitioner shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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